

## **Chapter 14.08 Permit Processing**

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### **Section 14.08.010 Types of Project Permit Applications.**

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- 14.08.010.G. Exemptions from project permit application processing.**

#### **14.08.010.A. Procedures for processing project permits.**

For the purpose of project permit processing, all project permit applications shall be classified as one of the following: Type I, Type II, Type III, Type IV, Type V, and VI. Legislative decisions are Type IV and VI actions, and are addressed in DMC 14.08.010.F. Exemptions from the requirements of project permit application processing are listed in DMC 14.08.010.G.

#### **14.08.010.B. Determination of proper procedure type.**

- A. The Director shall determine the proper procedure for all project permit applications. If there is a question as to the appropriate type of procedure, the Director shall resolve the question in favor of the higher procedure type number. If a permit type is not included in DMC 14.08.010.C.1, the Director shall determine the proper procedure for that permit type by reviewing the permit in light of DMC 14.08.010.C.1, and determining which procedure the permit most closely resembles.
- B. Optional Consolidated Permit Processing.
  - 1. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by code. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. If multiple applications are submitted concurrently, the City shall process as a consolidated application unless notified otherwise by the applicant.
  - 2. SEPA review shall be conducted concurrently with project review except where exempted by DMC 14.60.
  - 3. Applications processed in accordance with subsection DMC 14.08.010.B.1 which have the same numbered procedure but are assigned to different hearing bodies, shall be consolidated and heard by the highest decision maker. The City Council is the highest decision maker, followed by the Hearing Examiner, and then the Director. Joint public hearings with other agencies shall be processed according to DMC 14.08.010.D.

4. Project permit applications are allowed a maximum of one (1) open record public hearing and one (1) closed record appeal hearing.

#### 14.08.010.C. Project permit applications.

The following tables set out the project permit decision making and appeal processes, the division of action types into permit types, the required procedure for each permit type, and the notice requirements for project permits.

Table 14.08.010.C.1 Project Permit Applications – Action Type

Project Permit Applications – Action Type					
TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V	TYPE VI
Boundary Line Adjustments	Building Permits – SEPA required	Conditional Use Permits	Rezones	Final Plats	UDR Text Amendments
Minor exterior remodels, no building permit required		Shoreline Conditional Use Permits			Annexations <sup>(2)</sup>
Building Permits – no SEPA required	Other Construction permits – SEPA required	Shoreline Substantial Development Permits			Area-Wide Zoning Map Amendments
Other Construction Permits – no SEPA required	Sensitive Areas Permits	Shoreline Variances			Comprehensive Plan Amendments
Wireless Facilities on Existing Structure – Camouflaged					
Final Site Plan Permits	Site Plans, Parks, less than ½ acre in new area	Preliminary Short Subdivisions			Development Agreements
		Site Plans/Master Development Plan greater than ½ acre <sup>(5)</sup>			Pre-Annexation Zoning <sup>(3)</sup>
		Preliminary Long Subdivisions			
Administrative Interpretations	Infill Development of duplexes and town home	Variances			
Shoreline Exemptions		Vacations or Alterations – Subdivisions			
		Reasonable Use Exceptions			

**Table 14.08.010.C.2 Project Permit Applications – Decision Making and Appeal Process**

<b>Project Permit Applications – Decision Making and Appeal Process</b>						
	<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>	<b>TYPE VI</b>
Final Decision made by	Director	Director	Hearing Examiner	City Council	City Council	City Council
Recommendation made by	N/A	N/A	Planning Department Planning Commission <sup>(1)</sup>	Planning Commission	Engineering Department	Planning Commission
Open Record Public Hearing – Decision	No	No	Yes – Hearing Examiner	Yes – City Council	No	Yes – Planning Commission <sup>(4)</sup> Yes – City Council
Open Record Public Hearing - Appeal	Yes	Yes	No	No	No	No
Closed Record Appeal	No	No	No	No	No	No
Appeal to:	Hearing Examiner	Hearing Examiner	King County Superior Court, SHB	King County Superior Court, GMHB	King County Superior Court,	King County Superior Court, GMHB, SHB
Judicial Appeal	Yes	Yes	Yes	Yes	Yes	Yes

- (1) Site plan applications require a recommendation by the Planning Commission and the Planning Department. See DMC 14.62 for Planning Commission criteria. All other Type III applications require a recommendation by the Planning Department.
- (2) Annexation petition decisions are not appealable.
- (3) City Council shall hold two public hearings for a pre-zone application consistent with state law.
- (4) Planning Commission does not hold a public hearing for a pre-zone application.
- (5) Master Development Plan shall follow the criteria in DMC 14.62 and 14.18.060.

**Table 14.08.010.C.3 Required Procedures for Project Permit Applications**

<b>Required Procedures for Project Permit Applications</b>						
	<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>	<b>TYPE VI</b>
Pre-Application Meeting	No	No	Yes	Yes	No	No
Notice of Completeness	No	Yes	Yes	Yes	Yes	No
Notice of Application	No	Yes	Yes	Yes	No	No
SEPA Determination <sup>(1)</sup>	No	Yes	Yes	Yes	No	Yes
Notice of Hearing	No	No	Yes	Yes	No	Yes
Notice of Decision	No	Yes	Yes	Yes	Yes	No
120 Day Review <sup>(2)</sup>	No	Yes	Yes	No	No	No

- (1) SEPA not required for projects that are categorically exempt in accordance with DMC 14.60.
- (2) 120 Day Review does not apply to preliminary or final plats. Preliminary long or short plats have a 90-day review clock and final short or long plats, a 30-day review clock in accordance with RCW 58.17.140.

**Table 14.08.010.C.4 Notice Requirements for Project Permit Applications**

<b>Notice Requirements for Project Permit Applications <sup>1</sup></b>							
	<b>Send to Property Owners within 300'</b>	<b>Post Property</b>	<b>Publish Notice</b>	<b>Send to Agencies (including DRC)</b>	<b>Send to Applicant</b>	<b>Provide to PC</b>	<b>Provide to CC</b>
Notice of Completeness	No	No	No	No	Yes	No	No
Notice of Application	Yes	Yes	No	Yes	Yes	Yes	Yes
SEPA Determination	No	No	Yes	Yes	Yes	Yes	Yes
Notice of Open Record Predecision Hearing, if applicable <sup>2</sup>	Yes	Yes	Yes	No	Yes	Yes	Yes
Notice of Decision <sup>(1)</sup>	No	No	No	No	Yes	Yes	Yes
Notice of Open Record Appeal Hearing, if applicable	Yes	Yes	Yes	No	Yes	Yes	Yes

- (1) Notices are sent to parties of record. (See DMC 14.08.030.)
- (2) Preliminary plats; see additional notice requirements in DMC 14.08.030.D.

**14.08.010.D. Joint public hearings.**

- A. The Director may combine a public hearing on a project permit application with a hearing that may be held by another local, state, regional, federal, or other agency on the proposed action if the requirements of subsection 14.08.010.D.C. are met.
- B. The applicant may request that the public hearing on a permit application be combined with a hearing held by another government agency if the joint hearing can be held within the time periods set forth in this title.
- C. A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:
  - 1. The other agency is not expressly prohibited by statute from doing so;
  - 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule;
  - 3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City's hearing; and
  - 4. The hearing is held within the incorporated City limits.

**14.08.010.E. Final Plat, Type V decisions.**

- A. All Type V actions set forth in Table 14.08.010.C.1 are legislative and are subject to the following procedures as well as procedures specified in DMC 14.66.
  - 1. Staff shall make a written recommendation for approval or denial to the City Council regarding Type V actions.
  - 2. The City Council shall consider a Type V action, including the acceptance of any required bonds.
  - 3. Decisions on Type V actions shall be consistent with DMC 14.66 and RCW 58.17.

**14.08.010.F. Legislative decisions.**

- A. All Type IV and VI actions set forth in Table 14.08.010.C.1 are legislative and are not subject to the procedures in this chapter unless otherwise specified.
- B. Type VI applications, require a minimum of 1 public hearing before the Planning Commission.
- C. The Planning Commission shall make a written recommendation to the City Council regarding Type VI actions at the close of their final public hearing or at their next scheduled meeting. The written recommendation to the City Council shall be one of the following:
  - 1. Recommendation for additional time and/or resources on the application;
  - 2. Recommendation of approval of the legislative action;
  - 3. Recommendation of approval of the legislative action with modifications;
  - 4. Recommendation of denial of the legislative action.
- D. Type VI applications require a minimum of one public hearing before the City Council held in accordance with established rules. The City Council shall consider the recommendation of the Planning Commission, and the public testimony in making its legislative decision.
- E. The legislative action shall meet the process and criteria for the specific decision as set out in this Title.

**14.08.010.G. Exemptions from project permit application processing.**

The following permits or approvals are excluded from the procedures set forth in this title:

- A. Street vacations shall be processed in accordance with RCW 35.79 and any applicable City regulations;

- B. Temporary use permits shall be processed in accordance with DMC 14.52;
- C. Street use (right-of-way) permits shall be processed in accordance with DMC 8.04;
- D. Special event permits shall be processed in accordance with DMC 8.12; and
- E. Other permits as determined appropriate by the Director.

#### **14.08.020 Type I - VI Project Permit Applications.**

- 14.08.020.A. Type I and II permits.**
- 14.08.020.B. Pre-application meeting.**
- 14.08.020.C. Project permit application.**
- 14.08.020.D. Submission and acceptance of application.**
- 14.08.020.E. Notice of application.**
- 14.08.020.F. Referral and review of project permit applications.**
- 14.08.020.G. Time limits/Review clock.**
- 14.08.020.H. Notice of decision.**
- 14.08.020.I. Substantial revisions or modifications to proposal.**

#### **14.08.020.A. Type I and II permits.**

Type I and Type II permit applications shall be processed in accordance with the criteria and regulations set out in the appropriate Title of the Duvall Municipal Code and in accordance with this chapter as applicable.

- A. Boundary line adjustments shall meet the criteria set out in DMC 14.66.120.
- B. Minor exterior remodels, no building permit required, shall meet the standards set out in DMC 14.34.
- C. Building permits and related improvements shall be in accordance with this Title as determined by the Director, and the IBC as determined by the Building Official.
- D. Other construction permits shall be in accordance with this Title as determined by the Director and with the Public Works Development Design Standards and other standards as approved by the Public Works Director.
- E. Wireless facilities on existing structures, camouflaged, shall meet the criteria set out in DMC 14.56.
- F. Sensitive areas permits shall meet the criteria set out in DMC 14.42.
- G. Shoreline exemptions shall meet the criteria set out in DMC 14.78.
- H. Site plan approvals, parks, less than ½ acre, shall meet the criteria set out in DMC 14.62 and all other applicable regulations of this Title.

#### **14.08.020.B. Pre-application meeting.**

- A. Applications for Type III and IV permits will not be accepted until the applicant has attended a pre-application meeting. Pre-application meetings may be required for Type VI permits at the Director's discretion. The Director may waive pre-application meetings on a case-by-case basis if special circumstances, as determined by the Director, exist.
- B. The Director shall establish procedures, reasonable schedules, and staff participation for pre-application meetings.
- C. The applicant shall be responsible for all staff costs related to the pre-application meeting.

#### **14.08.020.C. Project permit applications.**

This section applies to all project permit application types, except that applications for building permits shall be on forms as determined by the Building Official and applications for construction permits shall be on forms as determined by the Public Works Director.

- A. An application shall consist of all materials required by the application submittal checklist, the applicable development regulations and shall, at a minimum, include the following:
  - 1. A completed project permit application form signed by the property owner(s) and/or applicant and notarized;
  - 2. A statement that the applicant attests by written oath to the accuracy and completeness of all information submitted for an application;
  - 3. A statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property and such written consent is supplied with the application;
  - 4. A property and/or legal description of the site;
  - 5. The application deposit, with a statement signed by the applicant accepting responsibility for all fees and charges over the deposit amount;
  - 6. Evidence of sewer availability and payment of sewer fees, if applicable;
  - 7. Any additional information as required by the specific submittal checklist for each specific application type.
  - 8. A project permit application is complete when it meets the submittal requirements specified by the Director.
- B. The Director shall have the authority to prepare and revise submittal requirements.

**14.08.020.D. Submission and acceptance of application.**

- A. Where applicable, within 28 days after receiving a project permit application, the Director shall provide a written determination to the applicant which states either: that the application is complete, or that the application is incomplete, and states the necessary items to make the application complete.
- B. To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination required by DMC 14.08.020.D.A.
- C. A project permit application is complete for purposes of this section when it meets the submittal requirements in DMC 14.08.020.C. A Determination of Completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The City's Determination of Completeness shall not preclude the City from requesting additional information or studies either at the time of the Determination or at a later time, if new information is required or where there are significant changes in the proposed action.
- D. Incomplete Application Procedure.
  - 1. If the applicant receives a determination from the City that an application is not complete, or if additional information has been required by the City, the applicant shall have 90 days to submit the requested information to the City. Within 14 days after an applicant has submitted the requested information, the City shall make the determination as described in DMC 14.08.020.D.A.
  - 2. If the applicant does not submit the requested information within the 90 day period, the application shall lapse.
  - 3. In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the unexpended application fee.
- E. The applicant shall designate a single person or entity to receive all notices required by this chapter and to receive all billing statements.

**14.08.020.E. Notice of application.**

A Notice of Application shall be issued in accordance with the provisions Table 14.08.010.C.3 and shall include the information set out in DMC 14.08.030, Public Notice.

**14.08.020.F. Referral and review of project permit applications.**

- A. The Director shall route project permit applications to all affected City departments for review and comment. Timing of such routing shall be determined in consultation with the DRC. Project permit applications shall be reviewed in accordance with applicable City policies and regulations. The Director shall set out time periods for review by affected departments and distribute information at DRC meetings.
- B. The Director shall route project permit applications to consultants as the Director determines necessary. All costs of consultant review shall be billed to the project applicant.

**14.08.020.G. Time limits/Review clock.**

Following are the time limits that are set out for project review.

- A. The City shall issue a notice of final decision on a project permit application for a preliminary long or short plat within 90 days after the applicant is notified that the application is complete.
- B. The City shall issue a notice of final decision on a project permit application for a final plat within 30 days after the applicant is notified that the application is complete.
- C. The City shall issue a notice of final decision on all other project permit applications within 120 days after the applicant is notified that the application is complete or within 14 days of approval.
- D. The City shall exclude the following period from the time limits of DMC 14.08.020.G.A-C:
  - 1. Any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional information. The period shall be calculated from the date the City notifies the applicant by mail, at a meeting, or by email that additional information is required until a date no more than 14 days after the applicant has submitted the requested information. The City shall determine if the information submitted is sufficient. If the information is not sufficient, this process will begin again.
  - 2. Any period of time in excess of that allowed by the City for applicant review of City comments and documents;
  - 3. Any period during which an environmental impact statement (EIS) is being prepared following a determination of significance;
  - 4. Any period for administrative appeals of project permits, if applicable.

**14.08.020.H. Notice of decision.**

- A. The City shall provide a notice of decision that also includes a statement of any SEPA threshold determination made and the procedures for administrative appeal. The notice shall be provided to the applicant and any person who, prior to the rendering of the decision, requested notice of decision or submitted substantive comments on the application. The staff report can be the notice of decision.
- B. The City shall make every effort to process applications in a timely manner. When time limitations are not met, the City shall provide a written explanation to the applicant. The explanation shall state the reasons why the decision has not been issued and the estimated date of the decision. Alternatively, an applicant and the City can mutually agree to extend the time period for a decision.

**14.08.020.I. Substantial revisions or modifications to proposal.**

- A. A revision or modification to the contents of an application before or after issuance of the permit, either voluntarily or to conform with applicable standards and requirements, shall be deemed a new application for the purpose of vesting when the revision or modification would result in a significant increase in a project's impacts as determined by the Director. In reaching a decision on whether a revision is significant, the Director's consideration shall include but not be limited to, the magnitude of the revision and the effect on the environment; the environmental sensitivity of the site; any changes in location of significant elements of the project and their relationships to public facilities, the impact of the revision on the review clock, and impacts to surrounding lands and land uses.
- B. Written notice of such determination of substantial revision or modification shall be provided to the applicant and to all parties of record.
- C. Any revision or modification deemed by the Director to be substantial shall conform to the time periods set forth in DMC 14.08.020.G. The review cycle for the revised project application shall begin with the date the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations, and standards in effect on the date of receipt of a complete, revised project application.

**Chapter 14.08.030 Public Notice**

**14.08.030.A. Notice of application.**

**14.08.030.B. Notice of application for shoreline substantial development permits.**

**14.08.030.C. Optional DNS/Notice of application.**

**14.08.030.D. SEPA Notification.**

**14.08.030.E. Notice of public hearing/public meeting.**

**14.08.030.F. Notice methods.**

**14.08.030.A. Notice of application.**

- A. Notice of Application.  
The Notice of Application shall include, but is not limited to:
  - 1. The file number;
  - 2. The name, address, and phone number of applicant or applicant's representative;
  - 3. The date of application, the date of the Notice of Completeness, and the date of the Notice of Application;
  - 4. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
  - 5. The identification of other required permits not included in the application, to the extent known by the City;
  - 6. A vicinity map;
  - 7. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document, the location where the application and any studies can be reviewed;
  - 8. A statement of the duration of the public comment period;
  - 9. A statement of the right of any person to comment on the application, receive notice of hearings, request a copy of the decision once made, and any appeal rights;
  - 10. The date, time, place, and type of hearing, if applicable;



11. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in DMC 14.08.040.
  12. Any other information determined appropriate by the City; and
  13. Identification of the responsible City official.
- B. Time Frame for Issuance of Notice of Application.
1. The City shall issue a Notice of Application within 14 days after the City has made a Determination of Completeness of a project permit application.
  2. If an open record public hearing is required for the requested project permit(s), the Notice of Application shall be provided at least 15 days prior to the hearing.
- C. Public Comment on the Notice of Application.
1. The public comment period for a Notice of Application shall be a minimum of 14 days and a maximum of 28 days after notice issuance as determined appropriate by the Director.
  2. All public comments received on the Notice of Application must be received by City Hall by 4:30 p.m. on the last day of the comment period. Comments may be mailed, emailed, faxed or personally delivered. Comments should be as specific as possible and shall include the name and address of the commenting party.
  3. The Notice of Application shall be distributed in accordance with DMC 14.08.030.F. and DMC 14.08.010.C.3-4.
- D. Except for a determination of significance (DS) or when issuing a determination of nonsignificance (DNS) under the optional DNS provisions, the City shall not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the Notice of Application.
- E. If the City issues a DS concurrently with the Notice of Application, the Notice of Application shall be combined with the DS and scoping notice. The DS and scoping notice may be issued prior to the Notice of Application.

**14.08.030.B. Notice of application for shoreline development permits.**

- A. Shoreline Development Permits.
1. Notice of Application of a permit under the City's Shoreline Master Program shall be given by mailing the notice in accordance with DMC 14.08.030.F and posting the site and in accordance with DMC 14.08.030.F.
- B. The notice shall include the requirements of DMC 14.08.030.A. In addition, the notice shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application, may submit comments within 30 days of the notice of application.
1. The public comment period on the Notice of Application shall not be less than 30 days. The Notice of Application shall state the manner in which the public may obtain a copy of the City's decision on the application in accordance with DMC 14.78, Shoreline Development Permits.

**14.08.030.C. Optional DNS/Notice of application.**

If the Optional DNS process is intended for minor projects that can be fully reviewed prior to issuing a notice of application in accordance with DMC 14.60, the Notice of Application shall include the requirements of DMC 14.08.030.A. and the following additional information:

- A. A statement that the City expects to issue a DNS or a mitigated DNS (MDNS) for the proposal;
- B. A statement that the Optional DNS process is being used;

- C. A statement that this may be the only opportunity to comment on the environmental impacts of the proposal;
- D. A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures whether or not an EIS is prepared;
- E. A statement that the subsequent threshold determination is available on request; and
- F. If a MDNS is being considered, a list of the mitigation measures being considered, if known.

**14.08.030.D. SEPA Notification.**

Notification of a SEPA determination shall be in accordance with DMC 14.60, DMC

14.08.010.C.3 and the following:

- A. Determinations of nonsignificance and mitigated determinations of nonsignificance shall be published in the City's newspaper of record a minimum of 14 days before the comment period ends, if there is a comment period, or on the day of issuance, if there is no comment period.
- B. Determinations of nonsignificance and mitigated determinations of nonsignificance shall be provided to the City's agency mailing list, the Planning Commission, the City Council, DRC, applicant, and parties of record in accordance with the timelines set out in DMC 14.08.030.D.A.

**14.08.030.E. Notice of public hearing/Public Meeting.**

- A. The notice given of a public hearing/meeting required by this title shall contain:
  - 1. The name, address, and phone number of the applicant or the applicant's representative;
  - 2. The date, time, and place of the hearing;
  - 3. A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or address and an assessor's parcel number;
  - 4. The nature of the proposed use of development;
  - 5. A statement that all interested persons may appear and provide testimony or comments;
  - 6. When information may be examined, and when and how written comments may be submitted;
  - 7. The name and the telephone number of the City staff to contact where additional information may be obtained;
  - 8. A statement that a copy of the application, all documents, and evidence relied upon by the applicant and applicable criteria are available for inspection;
  - 9. A statement that a copy of the staff report will be available for inspection at City Hall at least 7 days prior to the hearing and that copies will be provided at cost.
- B. Notice of a public hearing/meeting shall be published 1 time in the City's newspaper of record a minimum of 10 days before the public hearing/meeting date.

**14.08.030.F. Notice methods.**

- A. Posting of the property for Type II, III and IV project permit applications shall consist of one or more notice boards posted at least 10 days prior to the date of hearing, or at least 14 days prior to the end of any required comment period, as follows:
  - 1. A single notice board shall be placed by the City at the midpoint of the site street frontage or otherwise for maximum visibility and where it is visible to pedestrians.

2. Additional notice boards may be required when the site does not abut a public road or if large site abuts more than one public road; or if the Director determines that additional notice boards are necessary to provide adequate public notice.
- B. Published notice is required for all public hearings and shall include the information listed in DMC 14.08.030.E.
- C. All actions requiring posting shall be posted in three places in the City. The Duvall Library, the Duvall Post Office, and City Hall are the preferred locations.
- D. Mailed Notice.
  1. The Notice of Application and/or public hearing notices shall be mailed to:
    - a. The applicant;
    - b. All owners of property within 500 feet of the subject property. The records of the King County Assessor's Office shall be used for determining the property owners of record within 500 feet of the subject property. If the owner of the property that is the subject of the application owns an adjacent parcel(s), notice shall be given to any property owners within 500 feet of that adjacent parcel.
    - c. Any person who submitted written comments or who provided testimony at a public hearing on the application or who requested to be a party of record.
  2. Preliminary plat actions. Preliminary plats require the following additional notice:
    - a. Notice of the filing of a preliminary plat and notice of public hearing shall be given to King County.
    - b. Notice of the filing of a preliminary plat located adjacent to SR-203 shall be given to the Washington State Department of Transportation (WSDOT), who must respond within 15 days of such notice. A notice of public hearing shall also be provided to the WSDOT.
  3. All public notices shall be:
    - a. Deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.
    - b. Considered supplementary to posted or published notice.
    - c. Deemed satisfactory despite the failure of one or more owners, tenants, or residents to receive mailed notice.
- E. Notices shall be mailed, posted, and published not less than 14 days prior to the close of a comment period on a Notice of Application and not less than 10 days prior to the public hearing date.

## **Chapter 14.08.040 Consistency with Development Regulations and SEPA**

### **14.08.040.A. Consistency with other regulations and plans.**

### **14.08.040.B. Initial SEPA analysis.**

### **14.08.040.A. Consistency with other regulations and plans.**

- A. When the City receives a project permit application, consistency between the proposed project and the applicable regulations in this Title and the policies set out in the Duvall Comprehensive Plan shall be determined through staff review of the project and the issuance of a permit or the preparation of a staff report to the decision maker.
- B. During project permit application review, the City shall determine whether the items listed in this section are defined in the development regulations applicable to the proposed project and if the proposed project meets the development regulations. In the absence of applicable development regulations, the City shall determine whether the

items listed in this section are defined in the City's adopted Comprehensive Plan and if the proposed project meets the comprehensive plan policies. This determination of consistency shall include, but is not limited to, the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
  2. The level of development, such as units per acre, floor area ratio, lot coverage, etc;
  3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and
  4. Character of the development, such as development standards.
- C. The project permit application shall be reviewed for consistency with all criteria set out in this Title for the project permit application type(s).

**14.08.040.B. Initial SEPA analysis.**

- A. The City shall review the project permit application under the requirements of SEPA, Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City's SEPA regulations, DMC 14.60.

**Chapter 14.08.050 Open Record Public Hearings**

**14.08.050.A. General.**

**14.08.050.B. Responsibility of Director.**

**14.08.050.C. Conflict of interest, ethics, open public meetings, appearance of fairness.**

**14.08.050.A. General.**

Public hearings on all Type III and IV project permit applications, as defined in DMC 14.08.010.D, shall be conducted in accordance with this chapter.

**14.08.050.B. Responsibility of Director.**

The Director shall:

- A. Schedule an application for public review and/or public hearing.
- B. Give notice as required by DMC 14.08.030.
- C. Prepare a staff report on the application, providing all pertinent information, including recommendations on project permits in the consolidated permit process that do not require an open record public hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. The staff report may constitute the permit and the notice of decision.

**14.08.050.C. Conflict of interest, ethics, open public meetings, appearance of fairness.**

The hearing body shall be subject to the code of ethics (RCW 35A.42.020), prohibitions on conflict of interest (RCW 35A.42.020 and Chapter 42.23 RCW), open public meetings act (Chapter 42.30 RCW), and appearance of fairness (Chapter 42.36 RCW) as the same now exist or may hereafter be amended.

**Chapter 14.08.060 Appeals**

**14.08.060.A. Appeal of decisions.**

**14.08.060.B. Consolidated appeals.**

**14.08.060.C. SEPA Appeals.**

**14.08.060.D. Appeal procedures.**

#### **14.08.060.E. Judicial appeals.**

##### **14.08.060.A. Appeal of decisions.**

Project permit applications shall be appealable as provided in DMC 14.08.010.C.2.

##### **14.08.060.B. Consolidated appeals.**

- A. All appeals of project permit application decisions, other than an appeal of determination of significance (DS), shall be considered together in a consolidated appeal.
- B. Appeals of environmental determinations under SEPA shall proceed as an appeal of the underlying permit in the process set out in this chapter.

##### **14.08.060.C. SEPA Appeals.**

- A. SEPA appeals associated with a Type I or Type II project permit applications can be on procedural or substantive grounds and are administered as follows:
  - 1. SEPA appeals shall be heard by the hearings examiner in consolidation with any appeal of the underlying project permit application.
  - 2. Appeals shall only be of the Determination of Nonsignificance or Mitigated Determination of Nonsignificance, or Final Determination if issued.
  - 3. Appeal of a SEPA determination shall be made by filing an appeal form containing all of the information listed in DMC 14.08.060.D and other information as determined to be necessary by the Director and paying the applicable fee set out by resolution.
  - 4. Appeals shall be filed within 21 days of the issuance of a Determination of Nonsignificance where public comment is required.
  - 5. Appeals shall be filed within 14 days after the issuance of a Determination of Significance with no comment period.
  - 6. Appeals shall be filed within 14 days after a Determination of Nonsignificance is issued if such Determination is issued at the same time a decision on a project permit is filed.
  - 7. Appeals shall be consistent with the provisions of RCW 43.21C and WAC 197-11-680.
- B. SEPA appeals associated with Type III, Type IV, Type V, or Type VI permits shall be to King County Superior Court within the provisions of this chapter, or to the Shoreline Hearing Board or the Growth Management Hearing Board consistent with state law.

##### **14.08.060.D. Appeal procedures.**

Appeals of the decision shall be governed by the following:

- A. Standing. Only parties of record have standing to appeal the decision maker's decision.
- B. Time to File. An appeal of the decision maker's decision must be filed as stated in 14.08.060.C and together with the appeal fee, and must be received at City Hall before 4:30 p.m. on the last business day of the appeal period.
- C. Computation of Time. For the purposes of computing the time for filing an appeal, the day the decision maker's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, or a day designated by RCW 1.16.050 or by the City's ordinances as a legal holiday, then that day also is excluded and the filing must be completed by 4:30 p.m. on the next business day.
- D. Content of Appeal. Appeals shall be in writing, be accompanied by the appeal fee, and contain the following information:
  - 1. Appellant's name, address and phone number; Appellant's statement describing his or her standing to appeal;

2. Identification of the application which is the subject of the appeal;
  3. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
  4. The relief sought;
  5. A statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.
- E. Effect. The timely filing of an appeal shall stay the effective date of the decision maker's decision until such time as the appeal is adjudicated or withdrawn.

**14.08.060.E. Judicial appeals.**

The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in King County Court. Such petition must be filed within 21 days of issuance of the decision, as provided in Chapter 36.70C RCW.